

continue. The dynamics of his suggestions will be carried out. The inertia of the Packwood move through the Finance Committee will continue, and strangely enough it will continue for years to come without his being there. Thank you.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 6 P.M.

Mr. DOLE. Mr. President, I move the Senate stand in recess until 6 p.m.

The motion was agreed to, and at 5:36 p.m. the Senate recessed until 6 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

FAMILY SELF-SUFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2465 TO AMENDMENT NO. 2280

(Purpose: To provide that funds are expended in accordance with State laws and procedures relating to the expenditure of State revenues)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. MOYNIHAN, Mr. SIMPSON, Mr. MURKOWSKI, Mr. KOHL, Mr. CAMPBELL, and Mr. FEINGOLD, proposes an amendment numbered 2465.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXPENDITURE OF FEDERAL FUNDS IN ACCORDANCE WITH LAWS AND PROCEDURES APPLICABLE TO EXPENDITURE OF STATE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds received by a State under the provisions of law specified in subsection (b) shall be expended only in accordance with the laws and procedures applicable to expenditures of the State's own revenues, including appropriation by the State legislature, consistent with the terms and conditions required under such provisions of law.

(b) PROVISIONS OF LAW.—The provisions of law specified in this subsection are the following:

(1) Part A of title IV of the Social Security Act (relating to block grants for temporary assistance to needy families).

(2) Section 25 of the Food Stamp Act of 1977 (relating to the optional State food assistance block grant).

(3) Subtitles B and C of title VII of this Act (relating to workforce development).

(4) The Child Care and Development Block Grant Act of 1990 (relating to block grants for child care).

Mr. BROWN. Mr. President, I asked the bulk of the amendment be read, as it just was, for a very simple purpose. It is a straightforward amendment. It is very basic. It simply calls for the amount that is block granted under this bill to be spent in a manner in accordance with the laws and procedures for expenditures of the States' own revenues. That may not sound like a revolutionary or even controversial suggestion, but it is terribly important.

The core and essence of this welfare reform is centered around the suggestion that States and communities can do a better job in deciding how their funds are expended on welfare programs assisting the poor than can a centrally planned government, than can a government thousands of miles away from the action. It is the heart, at least in part, of what this welfare reform is all about—the suggestion that money can be spent better by local levels than it can be by the Federal level.

Why would I raise this issue? The facts are that in six of our States it makes a difference. In 44 of our States the money is expended, as is provided under the State's own laws, generally in the same manner that the State's own expenditures are allocated. But in six of our States a practice has been followed where the Governor alone decides where block grant money is spent.

If we believe that the States are better able to decide how that money is spent, then I think we have to be concerned about the situation in the absence of this amendment. Literally, unless this amendment is adopted, we will see six of our States where the Governor is allowed to both appropriate the money, in effect decide where it is to be spent, and administer that money; that is, distribute the money and, as we will explore later on, even have a strong voice in conducting the audit of how that money is spent.

Literally, what we are doing, then, in those six States is giving into the hands of one person the ability to appropriate, the ability to administer, and some significant control over the audit of what they have appropriated and administered. This is contrary to the very foundation of this country. It is contrary to the very theme of our Constitution. It is contrary to those philosophers who thought of our system and brought it to fruition.

Mr. President, any in this Chamber who have read the very significant book of Senator BYRD, the distinguished Senator from West Virginia, cannot help but note not only his musings about the history of our system, but the intricacies of the Roman system. One of the lessons is the understanding that there needs to be a division of power.

I want to quote from some of our historical documents because I think Members will find it interesting. In our own Federalist Papers, Madison said it best. It is in No. 47, where he says clearly:

There can be no liberty where the legislative and executive powers are united in the same person or body or magistrates.

Unless we adopt this amendment, you are going to have that power, both legislative and executive powers, combined in one person in six of our States.

In No. 47 of the Federalist Papers, Madison says this:

The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

That tyranny he talked about he goes on to talk about in further depth when he says:

From these facts by which Montesquieu was guided, it may clearly be inferred that in saying, "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates."

Mr. President, that is the core of the concern of this amendment. This amendment will simply provide, in those six States where they do not now have it, that they will follow the normal legislative process. If we do not adopt this, what we will in effect be doing is saying that the elected representatives of the people and the legislative branch will be ignored and their priorities bypassed when it comes to welfare reform under these block grants. We in this body have long recognized the difference between block grants and others where we have allocated the money ourselves. In categorical programs it has been normal to send the money back to the States, but it has been sent back to the States with guidelines from the Federal Government, including elected legislators, making the decisions on its allocation.

The prime difference between block grants and the categorical grants is the level of government which designs the program. Under our block grants, the States design the programs. For categorical grants, most of the programs are designed and established at the Federal level. The State is to administer the grant in accordance with Federal directives.

Mr. President, it makes sense that when we move to block grants, that we allow the State legislative process to be part of this.

This amendment is offered, not only by myself but by Senator MOYNIHAN, Senator SIMPSON, Senator MURKOWSKI, Senator KOHL, Senator CAMPBELL, and Senator FEINGOLD.

I believe the provisions of this measure are broad and they are bipartisan. I think they unite the interests of this Congress, an interest that we ought to have special recognition of. Would Senators literally want to abdicate the legislative responsibility to a chief executive? Chief executives are responsible, are important members of our governmental functions, but they should not have combined with them the legislative powers.

In addition to this, I want to draw the Members' special attention to another factor in this bill. Under section